



Senate

General Assembly

File No. 620

January Session, 2007

Substitute Senate Bill No. 1339

Senate, April 30, 2007

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING AUTOMATIC EXTERNAL DEFIBRILLATORS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 21a-223 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective January 1, 2008*):

3 (a) Each individual place of business of each health club shall obtain
4 a license from the Department of Consumer Protection prior to the sale
5 of any health club contract. Application for such license shall be made
6 on forms provided by the Commissioner of Consumer Protection and
7 [said] the commissioner shall require as a condition to the issuance and
8 renewal of any license obtained under this chapter (1) that the
9 applicant provide for and maintain on the premises of the health club
10 sanitary facilities; (2) that the applicant (A) (i) provide and maintain in
11 a central location on the premises of the health club at least one
12 automatic external defibrillator, as defined in section 19a-175, and (ii)
13 make such central location known and available to employees of such
14 health club, (B) make reasonable efforts to ensure that at least one
15 employee is on the premises of such health club during staffed

16 business hours who is trained in cardiopulmonary resuscitation and
17 the use of an automatic external defibrillator in accordance with the
18 standards set forth by the American Red Cross or American Heart
19 Association, (C) maintain and test the automatic external defibrillator
20 in accordance with the manufacturer's guidelines, and (D) promptly
21 notify a local emergency medical services provider after each use of
22 such automatic external defibrillator; (3) that the application be
23 accompanied by (A) a license or renewal fee of two hundred dollars,
24 (B) a list of the equipment and each service [which] that the applicant
25 intends to have available for use by buyers during the year of
26 operations following licensure or renewal, and (C) two copies of each
27 health club contract [which] that the applicant is currently using or
28 intends to use; and [(3)] (4) compliance with the requirements of
29 [section] sections 19a-197 and 21a-226. Such licenses shall be renewed
30 annually. The commissioner may impose a civil penalty of not more
31 than three hundred dollars against any health club that continues to
32 sell or offer for sale health club contracts for any location but fails to
33 submit a license renewal and license renewal fee for such location not
34 later than thirty days after such license's expiration date.

35 (b) No health club shall (1) engage in any act or practice [which] that
36 is in violation of or contrary to the provisions of this chapter or any
37 regulation adopted to carry out the provisions of this chapter,
38 including the use of contracts [which] that do not conform to the
39 requirements of this chapter, or (2) engage in conduct of a character
40 likely to mislead, deceive or defraud the buyer, the public or the
41 commissioner. The Commissioner of Consumer Protection may refuse
42 to grant or renew a license to, or may suspend or revoke the license of,
43 any health club [which] that engages in any conduct prohibited by this
44 chapter.

45 (c) If the commissioner refuses to grant or renew a license of any
46 health club, the commissioner shall notify the applicant or licensee of
47 the refusal, and of [his] the right to request a hearing [within] not later
48 than ten days [from] after the date of receipt of the notice of refusal. If
49 the applicant or licensee requests a hearing within [ten days] such ten-

50 day period, the commissioner shall give notice of the grounds for [his]
51 the commissioner's refusal to grant or renew such license and shall
52 conduct a hearing concerning such refusal in accordance with the
53 provisions of chapter 54 concerning contested matters.

54 (d) The Attorney General, at the request of the Commissioner of
55 Consumer Protection, [is authorized to] may apply in the name of the
56 state of Connecticut to the Superior Court for an order temporarily or
57 permanently restraining and enjoining any health club from operating
58 in violation of any provision of this chapter.

59 Sec. 2. Subsection (a) of section 52-557b of the general statutes is
60 repealed and the following is substituted in lieu thereof (*Effective July*
61 *1, 2007*):

62 (a) A person licensed to practice medicine and surgery under the
63 provisions of chapter 370 or dentistry under the provisions of section
64 20-106 or members of the same professions licensed to practice in any
65 other state of the United States, a person licensed as a registered nurse
66 under section 20-93 or 20-94 or certified as a licensed practical nurse
67 under section 20-96 or 20-97, a medical technician or any person
68 operating a cardiopulmonary resuscitator or an automatic external
69 defibrillator, or a person trained in cardiopulmonary resuscitation or
70 in the use of an automatic external defibrillator in accordance with the
71 standards set forth by the American Red Cross or American Heart
72 Association, who, voluntarily and gratuitously and other than in the
73 ordinary course of such person's employment or practice, renders
74 emergency medical or professional assistance to a person in need
75 thereof, or a health club, entity or person providing, maintaining or
76 using an automatic external defibrillator pursuant to section 21a-223,
77 as amended by this act, in accordance with the requirements of section
78 21a-223, as amended by this act, or a board of education, executive
79 authority or person providing, maintaining or using an automatic
80 external defibrillator pursuant to section 3 of this act, or an entity or
81 person providing, maintaining or using an automatic external
82 defibrillator pursuant to section 4 of this act, shall not be liable to such

83 person assisted for civil damages for any personal injuries which result
84 from acts or omissions by such person in rendering the emergency
85 care, which may constitute ordinary negligence. The immunity
86 provided in this subsection does not apply to acts or omissions
87 constituting gross, wilful or wanton negligence. Nothing in this
88 subsection shall be construed to exempt paid or volunteer firefighters,
89 police officers or emergency medical services personnel from
90 completing training in cardiopulmonary resuscitation or in the use of
91 an automatic external defibrillator in accordance with the standard set
92 forth by the American Red Cross or American Heart Association. The
93 limit of liability provided by this subsection shall not apply to acts or
94 omissions unrelated to the rendering of emergency care. For the
95 purposes of this subsection, "automatic external defibrillator" means a
96 device that: (1) Is used to administer an electric shock through the
97 chest wall to the heart; (2) contains internal decision-making
98 electronics, microcomputers or special software that allows it to
99 interpret physiologic signals, make medical diagnosis and, if
100 necessary, apply therapy; (3) guides the user through the process of
101 using the device by audible or visual prompts; and (4) does not require
102 the user to employ any discretion or judgment in its use.

103 Sec. 3. (NEW) (*Effective July 1, 2007*) Each local and regional board of
104 education and each executive authority of a private school shall (1) (A)
105 provide and maintain in a central location on the premises of each
106 school under its jurisdiction at least one automatic external
107 defibrillator, as defined in section 19a-175 of the general statutes, and
108 (B) make such central location known and available to employees of
109 such school, and (2) make reasonable efforts to ensure that at least one
110 employee is on the premises of such school during normal school
111 hours who is trained in cardiopulmonary resuscitation and the use of
112 an automatic external defibrillator in accordance with the standards set
113 forth by the American Red Cross or American Heart Association.

114 Sec. 4. (NEW) (*Effective July 1, 2007*) Each entity having control of a
115 public building constructed on or after July 1, 2007, at a cost exceeding
116 two million dollars, shall (1) (A) provide and maintain in a central

117 location on the premises of the building at least one automatic external
 118 defibrillator, as defined in section 19a-175 of the general statutes, and
 119 (B) make such central location known and available to individuals
 120 employed at such building, and (2) make reasonable efforts to ensure
 121 that at least one individual employed at such building is on the
 122 premises of such building during normal business hours who is
 123 trained in cardiopulmonary resuscitation and the use of an automatic
 124 external defibrillator in accordance with the standards set forth by the
 125 American Red Cross or American Heart Association.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>January 1, 2008</i>	21a-223
Sec. 2	<i>July 1, 2007</i>	52-557b(a)
Sec. 3	<i>July 1, 2007</i>	New section
Sec. 4	<i>July 1, 2007</i>	New section

PH *Joint Favorable Subst. C/R*

JUD

JUD *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Consumer Protection, Dept.	GF - None	None	None
Public Health, Dept.	GF - None	None	None
Various State Agencies	GF - Cost	See Below	See Below

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 08 \$	FY 09 \$
All Municipalities	STATE MANDATE - Cost	See Below	See Below

Explanation

This bill results in a cost to municipalities and the state by requiring there be at least one automatic external defibrillator (AED) in every public school and in any public building costing more than \$2.0 million built after July 1, 2007. The average cost of an AED is estimated to range from \$1,500 to \$2,000 with an additional estimated cost of approximately \$100 for "child AED pads." There are approximately 1,000 public school buildings in the state which results in a potential cost of \$1.5 million to \$2.0 million to equip such schools. No information is available as to how many public schools are already equipped with an AED. In addition to the costs to equip public school buildings municipalities and the state would incur costs in equipping new buildings costing more than \$2.0 million after July 1, 2007. The number of buildings that would be required to have an AED is dependent on the construction plans of the state and municipalities which is unknown.

The cost of training an individual in CPR and the use of an AED is approximately \$40. Both the state and municipalities would incur

training costs to ensure that at least one employee in each building be trained in CPR and AED usage. In some cases staff may already be trained (school nurses for example) however it is assumed that most municipalities and state agencies will incur at least some training costs.

It is anticipated that the Department of Public Health will be able to accommodate the receipt of additional reports concerning the location of AEDs within the agency's normal budgeted resources.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sSB 1339*****AN ACT CONCERNING AUTOMATIC EXTERNAL
DEFIBRILLATORS.*****SUMMARY:**

This bill requires licensed health clubs, public and private schools, and certain public buildings to keep at least one automatic external defibrillator (AED) on their premises and have personnel trained in their use on-site during certain periods. The bill also extends civil immunity from liability to persons or entities providing, maintaining or using AEDs in accordance with the bill's provisions.

EFFECTIVE DATE: July 1, 2007, except for the health club provision, which takes effect July 1, 2008.

AED REQUIREMENTS FOR VARIOUS SETTINGS***Health Clubs***

The bill requires a licensed health club, as a condition of its license, to (1) provide and maintain at least one AED on its premises in a central location, (2) make reasonable efforts to ensure that at least one employee on the premises during staffed business hours is trained in cardiopulmonary resuscitation (CPR) and the use of AEDs in accordance with American Red Cross or American Heart Association (AHA) standards, (3) maintain and test the AED according to the manufacturer's guidelines, and (4) promptly notify a local emergency medical services (EMS) provider after each use of the AED. The AED's location must be made known and available to health club employees.

The bill requires the commissioner of the Department of Consumer Protection (DCP) to require clubs, as a condition of licensure, to comply with the law requiring everyone having an AED to inform the Office of Emergency Medical Services of its location.

Schools

The bill requires each local and regional board of education and the executive authority of each private school to (1) provide and maintain at least one AED in a central location on each school's premises and (2) make reasonable efforts to ensure that at least one employee on the premises during normal school hours is trained in CPR and the use of AEDs according to Red Cross or AHA standards. The AED's location must be made known and available to school employees.

Public Buildings

The bill requires each entity in control of a public building built after July 1, 2007 with a cost over \$2 million to (1) provide and maintain an AED in a central location in the building and (2) make reasonable efforts to ensure that at least one employee on-site during normal business hours has CPR and AED training as described above. The AED's location must be made known and available to the building's employees. The bill does not define "public building."

CIVIL IMMUNITY FROM LIABILITY

The bill extends civil immunity from liability to any health club, person, entity, board of education, or executive authority that provides, maintains, or uses an AED according to the bill's provisions. It specifies that the person providing assistance is not liable for civil damages for acts or omissions in providing the emergency care that might constitute ordinary negligence. The immunity does not apply to acts or omissions constituting gross, willful, or wanton negligence. The limit of liability, under the bill, does not apply to acts or omissions unrelated to providing emergency care.

Existing law (1) provides such liability protection to a person trained in the use of an AED according to standards of the AHA or Red Cross who voluntarily, gratuitously, and not in the ordinary course of employment or practice, provides emergency medical or professional assistance and (2) specifies that it should not be construed as exempting paid or volunteer firefighters, police officers, or EMS personnel from completing training in CPR or in the use of an AED

according to Red Cross or AHA standards.

BACKGROUND

Related Bill

sHB 7201 (File 335) requires licensed health clubs, as a condition of licensure, to keep at least one AED on its premises similar to this bill, and also includes civil immunity provisions.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute Change of Reference

Yea 27 Nay 0 (03/21/2007)

Judiciary Committee

Joint Favorable Substitute

Yea 39 Nay 0 (04/13/2007)